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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,301	11/25/2003	Robert Miller	SB 1643	9089

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EXAMINER

GREENHUT, CHARLES N

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,301

Applicant(s)

MILLER, ROBERT

Examiner

Charles N. Greenhut

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

I. Minor informalities

1. Page 4. Li. 3 "generallyrepeated" should read "generally repeated"
2. Claim 4: "an" should read "a." Appropriate correction is required.

II. Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention

1. Claim 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- 1.1. Claim 10 recites the limitation "said cage" in line 2. There is insufficient antecedent basis for this limitation in the claim.

III. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over PRATT (US 4,655,671) in view of BECK (US 5,934,863).

1.1. With respect to claim 1, PRATT discloses a dolly defined by a base piece conformed for receipt on the ramp, the dolly supporting a cradle, the cradle conforming to the hull of a personal watercraft, the base including rolling means and the base including attachment means (Col. 3 Li. 4-6). PRATT fails to teach the cradle having ribs. BECK teaches a cradle having ribs. It would have been obvious to one of ordinary skill in the art to modify PRATT with the ribs of BECK to evenly support the craft and restrict lateral movement of the craft.

1.2. With respect to claim 2, PRATT in view of BECK teaches all elements of claim 1. PRATT fails to teach the ramp including a forward stop for limiting the forward translation of the base. BECK teaches a forward stop for limiting the forward translation of the base. It would have been obvious to one of ordinary skill in the art to modify PRATT with the forward stop of BECK to limit the travel of the ramp and watercraft and counteract the pull of the belt, enabling the craft to be held firmly in place on the carrier.

2. Claims 3-9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over PRATT (US 4,655,671) in view of BECK (US 5,934,863) and in further view of BURKEY (US 2,492,841).

2.1. With respect to claim 3, PRATT in view of BECK teaches all elements of claims 1 and 2. PRATT additionally teaches the rearward and pivotal movement of the ramp PRATT fails to teach a counterbalancing spring. BURKEY teaches a counterbalancing spring. It would have been obvious to one of ordinary skill in the art to modify PRATT with the counterbalancing spring of BURKEY for urging the personal watercraft rearward, thereby facilitating loading and unloading by a person of average strength.

- 2.2. With respect to claim 4, PRATT in view of BECK and BURKEY teaches all elements of claims 1, 2 and 3. PRATT additionally teaches a wheel assembly selectively engageable with the base.
- 2.3. With respect to claim 5, PRATT in view of BECK and BURKEY teaches all elements of claims 1, 2, 3 and 4. PRATT additionally teaches a handle selectively engageable to the base for manually controlling the translation thereof (Col. 2 Li. 66-68).
- 2.4. With respect to claim 6, PRATT discloses a dolly defined by a base piece conformed for receipt on the ramp, a cradle conforming to the hull of a personal watercraft mounted on the base, rolling means on the rear of the base, the base including attachment means, the rearward movement of the ramp and dolly, the rearward movement causing pivotal motion to an inclined alignment (Col. 4 Li. 37-40). PRATT fails to teach the cradle having ribs. BECK teaches a cradle having ribs. It would have been obvious to one of ordinary skill in the art to modify PRATT with the ribs of BECK to evenly support the craft and restrict lateral movement of the craft. PRATT also fails to teach a counterbalancing spring. BURKEY teaches a counterbalancing spring. It would have been obvious to one of ordinary skill in the art to modify PRATT with the counterbalancing spring of BURKEY for urging the personal watercraft rearward, thereby facilitating loading and unloading by a person of average strength.
- 2.5. With respect to claim 7, PRATT in view of BECK and BURKEY teaches all elements of claim 6. PRATT fails to teach the ramp including a forward stop for limiting the forward translation of the base. BECK teaches a forward stop for limiting the forward translation of the base. It would have been obvious to one of ordinary skill in the art to modify PRATT with the forward stop of

BECK to limit the travel of the ramp and watercraft and counteract the pull of the belt, enabling the craft to be held firmly in place on the carrier.

2.6. With respect to claim 8, PRATT in view of BECK and BURKEY teaches all elements of claims 6 and 7. PRATT additionally teaches a wheel assembly selectively engageable with the base.

2.7. With respect to claim 9, PRATT in view of BECK and BURKEY teaches all elements of claims 6, 7 and 8. PRATT additionally teaches a handle selectively engageable to the base for manually controlling the translation thereof.

2.8. With respect to claim 12, PRATT discloses a dolly defined by a base piece conformed for receipt on the ramp, a cradle conforming to the hull of a personal watercraft mounted on the base, rolling means on the rear of the base, the base including attachment means, the rearward movement of the ramp and dolly, the rearward movement causing pivotal motion to an inclined alignment. PRATT fails to teach the cradle having ribs. BECK teaches a cradle having ribs. It would have been obvious to one of ordinary skill in the art to modify PRATT with the ribs of BECK to evenly support the craft and restrict lateral movement of the craft. PRATT also fails to teach a counterbalancing spring. BURKEY teaches a counterbalancing spring. It would have been obvious to one of ordinary skill in the art to modify PRATT with the counterbalancing spring of BURKEY for urging the personal watercraft rearward, thereby facilitating loading and unloading by a person of average strength.

3. Claims 10-11, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over PRATT in view of BECK and BURKEY, and in further view of FIREHAMMER (US 5,002,299).

3.1. *Examiner assumes "said cage" refers to the cradle.* With respect to claim 10, PRATT in view of BECK and BURKEY teaches all elements of claims 6 and 7. PRATT fails to teach a plurality of

orthogonal ribs, and a plurality of rollers mounted on the ribs. FIREHAMMER teaches a plurality of orthogonal ribs, and a plurality of rollers mounted on the ribs. It would have been obvious to one of ordinary skill in the art to modify PRATT in view of BECK and BURKEY with the rollers of FIREHAMMER in order to facilitate positioning of the personal watercraft on the cradle. PRATT also fails to teach the ribs cantilevered from each side of the lateral sides of the base. It would have been an obvious matter of design choice to cantilever the ribs over each side of the base in order to accommodate personal watercrafts of varying sizes, since such a modification involves a mere change in the size of a component. Cantilevering the ribs over the edges of the base, therefore, does not patentably distinguish over PRATT in view of BECK and in further view of FIREHAMMER. PRATT also fails to teach the rollers mounted between the ribs. FIREHAMMER teaches rollers, substantially the same in structure and in function, as those claimed by applicant. The rollers in FIREHAMMER are mounted to the top of each rib. Applicant mounts the rollers between parallel and adjacent ribs, as opposed to on top of the ribs. It would have been obvious to one of ordinary skill in the art to mount the rollers between parallel and adjacent ribs since rearranging of parts involves only routine skill in the art.

3.2. With respect to claim 11, PRATT in view of BECK and BURKEY, and in further view of FIREHAMMER teaches all elements of claim 10. PRATT additionally teaches a wheel assembly selectively engageable with the base, and a handle selectively engageable to the base for manually controlling the translation thereof.

3.3. *Examiner assumes "said cage" refers to the cradle.* With respect to claim 13, PRATT in view of BECK and BURKEY teaches all elements of claim 12. PRATT fails to teach a plurality of orthogonal ribs, and a plurality of rollers mounted on the ribs. FIREHAMMER teaches a

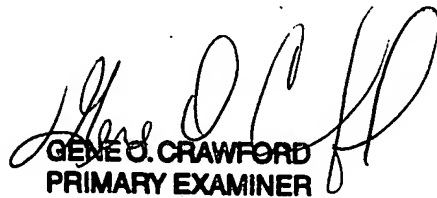
plurality of orthogonal ribs, and a plurality of rollers mounted on the ribs. It would have been obvious to one of ordinary skill in the art to modify PRATT in view of BECK and BURKEY with the rollers of FIREHAMMER in order to facilitate positioning of the personal watercraft on the cradle. PRATT also fails to teach the ribs cantilevered from each side of the lateral sides of the base. It would have been an obvious matter of design choice to cantilever the ribs over each side of the base in order to accommodate personal watercrafts of varying sizes, since such a modification involves a mere change in the size of a component. Cantilevering the ribs over the edges of the base, therefore, does not patentably distinguish over PRATT in view of BECK and BURKEY and in further view of FIREHAMMER. PRATT also fails to teach the rollers mounted between the ribs. FIREHAMMER teaches rollers, substantially the same in structure and in function, as those claimed by applicant. The rollers in FIREHAMMER are mounted to the top of each rib. Applicant mounts the rollers between parallel and adjacent ribs, as opposed to on top of the ribs. It would have been obvious to one of ordinary skill in the art to mount the rollers between parallel and adjacent ribs since rearranging of parts involves only routine skill in the art.

- 3.4. With respect to claim 14, PRATT in view of BECK and BURKEY, and in further view of FIREHAMMER teaches all elements of claim 13. PRATT additionally teaches a wheel assembly selectively engageable with the base, and a handle selectively engageable to the base for manually controlling the translation thereof.

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IV. Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GENE O. CRAWFORD
PRIMARY EXAMINER

CG